

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2249 OF 2005

IN

WRIT PETITION NO. 3423 OF 1995

Office notes, office	:
Memoranda of Coram,	:
appearances, Court's	:
orders or directions	:
& Registrar's orders.	:

Mr. Deshmukh h/f V. V. Purhant
for applicants
Mr. Shrishail Sakhare for R

CORAM: SMT. RANJANA DESAI, J.
16/9/2005

P.C.:-

This civil application is for bringing heirs of deceased respondent on record.

Heard learned counsel for the parties.

The learned counsel for the respondent strenuously opposed the grant of this civil application. He states that there is five years delay in filing the civil application and unacceptable reasons are given to explain why civil application was not filed within time. There is some

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substance in this submission. In my opinion, however, in the interest of justice the civil application deserves to be granted only after saddling the applicants with costs. Hence the following order:

(a) Civil application is granted in terms of prayers (a), (b) and (c) on the condition that the applicant pays costs quantified at Rs.5,000/- to the respondents. Payment of costs shall be condition precedent to the grant of civil application.

(b) The learned counsel for the applicants says that the costs will be paid within a period of four weeks from today. Thereafter the applicant shall carry out the amendment within four weeks, after showing the receipt to the office that the costs are paid.

Civil application is disposed of in the aforestated terms.